

time for response to which is extended to 08/03/05 by the Request for Two Month Extension of Time included below in this Response.

Claim Amendments

Please amend the claims as indicated in the accompanying separate sheets entitled "Claim Amendments accompanying Response and Amendment filed August 3, 2005 in reply to Office Action mailed on May 3, 2005 in U.S. Patent Application No. 10/680,396".

Minor amendment is made to the preamble and body of claim 7 to improve the form thereof. Minor amendment is made to the body of claim 7 to correct a typographical error. These amendments are not related to patentability and are not narrowing. Minor amendment is made to the preamble of claim 11 to improve the readability thereof, as discussed below. This amendment is not related to patentability and is not narrowing.

Restriction to Inventions of Group I and Group II

The Examiner issued an Election/Restriction Requirement in the outstanding Office Action, identifying Group I as including claims 1-10 and Group II as including only claim 11. Applicants traverse restriction to Group I and Group II claims for the following reasons.

The Examiner classifies the Group I claims in class 65, subclasses 412 and 413 and sole claim of Group II in class 65, subclass 415. Applicants consider that the Examiner has identified relevant subclasses in noting class 65, subclasses 412 and 413. However, Applicants note that it is not unduly burdensome that the Examiner search Group I claims (claims 1-10) and the sole Group II claim (claim 11) together, as in fact all of the foregoing subclasses should be properly searched for both Groups I and II. The subclasses 412 and 413 should be searched for claim 11, and Applicants respectfully

disagree that the search for Group I claims of Class 65 subclasses 412 and 413 is not required for the sole claim 11 of Group II, as proposed by the Examiner at paragraph 4 of the outstanding Office Action.

Class 65, subclass 413 is directed to the "Process of manufacturing fibers, filaments, or preforms / Process of manufacturing optical fibers, waveguides, or preforms thereof / With step of vapor deposition". Group II claim 11 recites "providing an elongate glass article". Two limitations of claim 11 further recite "adding glass" to the elongate glass article. One way to add glass to the article, which can comprise a tube or rod, is to use vapor phase deposition to add glass, for example, to the outside of the rod or to the inside or outside, or both, of the tube. Accordingly, class 65, subclass 412 is properly searched for examination of claim 11 of Group II. Class 65, subclass 412 is directed to "Process of manufacturing fibers, filaments or preforms / Process of manufacturing optical fibers, waveguides, or preforms thereof / Joining or bonding optical fibers, waveguides, or preforms (e.g., coupling, etc.) / Rod placed inside of tube". One way to "add glass" to the elongate glass article is to place a rod inside a tube, where the elongate glass article can include, for example, one of the rod and the tube and the added glass can comprise the other of the rod and the tube. Accordingly, class 65, subclass 412 is properly searched when examining claim 11. Class 65, subclass 415, is directed to "Process of manufacturing fibers, filaments, or preforms / Process of manufacturing optical fibers, waveguides, or preforms thereof / With step of vapor deposition / Forming optical fiber or fiber preform by soot buildup (i.e., vapor axial deposition, VAD) / Forming glass layers with graded or radially varying refractive index", and is no less or more relevant to the Group II claim than it is to the Group I claims, and if searched in one instance it should be searched in the other as well. Applicants further suggest that for both Groups I and II, class 65 subclasses 417 and 421 be searched as well.

Group I and Group II claims are both directed to a method of forming a cladding to surround or be disposed about the core, when present, of an optical article. All the claims recite providing an elongate glass article (which can, but need not, include the

core) and forming at least part of a cladding of an optical article. The preamble of claim 11 is amended such that the foregoing, considered evident from the body of the claim, is more readily ascertainable upon inspection of the claim. This amendment is not considered related to patentability and is not narrowing.

Applicants elect, with traverse, the Group I claims (Claims 1-10).

Reconsideration and withdrawal of the foregoing restriction requirement is respectfully requested.

Election of Species

The Examiner requires, upon election of the method claims in Group I, an election of species. The Examiner identifies two species based on the embodiments "a" and "b". Embodiment "a" is identified as represented by claims 1-2, 5-6 and 7-8, which recite providing an elongate glass article, and embodiment "b" is represented by claims 3-4 and 9-10, which recite providing a hollow elongate glass article (emphasis added by Examiner).

Applicants traverse the election requirement. It is respectfully submitted that the election requirement is improper. The embodiments identified by the Examiner are not proper species; species must be mutually exclusive. See MPEP §806.04(f). The elongate glass article of embodiment "a" can include a hollow elongate article, such that the "hollow" limitation of embodiment "b" is not mutually exclusive with embodiment "a".

Applicants also traverse the Election/Restriction requirement on the basis that it would not be unduly burdensome for the Examiner to search all of the claims of all of the identified species, as all subclasses noted by the Examiner should be included in a proper search anyway, as noted above.

Furthermore, the Examiner has identified claims as representative of species. As indicated by MPEP §806.04(e), claims are definitions of inventions, not species. Species are always the specifically different embodiments. The Examiner has made no attempt to determine which embodiments of the present application correspond to species. The species should be identified as the species of, for example, "figures 1, 2 and 3", or the "species of examples I, II or III". Only if the species cannot be conveniently identified can claims be grouped in accordance with the species to which they are restricted. See MPEP §809.02(b).

Reconsideration and withdrawal of the election requirement is respectfully requested.

Applicants elect, with traverse, the embodiment "a" of claims 1-2, 5-6 and 7-8. Applicants note that the Examiner considers claims 1, 3, 5, 7 and 9 generic, and upon allowance of a generic claim, Applicants will be entitled to consideration of claims to additional species.

Request for Two Month Extension of Time

Applicants hereby request a two month extension of time to reply to the Office Action mailed 05/03/05 in the above identified application. As the outstanding Office Action provided for a one month shortened statutory time period for reply, the time for reply is now extended to 08/03/05 by this Request for Two Month Extension of Time. Authorization is hereby granted to charge the Small Entity fee of \$225 for the requested two month extension of time to Nufern Deposit Order Account Number 50-2343.

CONCLUSION

This Response and Amendment attends to all issues raised in the outstanding Office Action. No additional fees, other than the above-noted Small Entity fee of \$225 for a two-month extension of time, are understood to be due in connection with the filing

of this Response and Amendment. However, if an additional fee is determined to be due in association with the filing of this Response and Amendment, or if an underpayment or overpayment of a fee is made, authorization is hereby granted to charge or credit, as appropriate, Nufern Deposit Order Account No. 50-2343.

Applicants respectfully submit that the simplest and best resolution of this matter is to examine all of the pending claims in one application. The owner of the present application is a Small Entity, and pursuing a separate application, including prosecution costs and maintenance fees, for the sake of a single claim (claim 11 of Group II) is unduly burdensome.

Please do not hesitate to contact the undersigned if any issues are deemed to remain unresolved.

Respectfully submitted,



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